

Appl. No. 09/863,996

Amdt. dated: 09/14/06

Reply to Office Action of June 14, 2006

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REMARKS

Upon entry of the instant amendment, claims 1, 2, 8, 9, 10, 11, 12, 13, and 29 are pending. Claims 1 and 29 have been amended. Inasmuch as the Official Action has been made final, a Request for Continuing Examination (RCE) is being filed herewith. Accordingly, the Examiner is respectfully requested to enter the amendment.

CLAIM REJECTIONS UNDER 35 U.S.C. § 102

Claims 1, 2, 8, 9, 11 and 13 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Bennett, et al., U.S. Patent No. 6,633,846. In order for there to be anticipation, each and every one of the elements must be found in a single reference. It is respectfully submitted that the claims recite elements not disclosed or suggested by the Bennett et al reference. For example, the claims all recite a remote server that includes an entire speech processing system and an input/output device for converting analog voice data to its equivalent form and transmitting the digital equivalent form. The Bennett et al references discloses a distributed speech processing system in which the speech processing software is distributed across the client (i.e. input/output device) and the server. ("The client-side software program is comprised of a speech recognition program,...." Bennett et al reference, Col.7, lines 4-5. "Processing of the speech utterance is divided between the client and server side... Bennett et al reference, Col. 7, lines 12-14. See also Claim 1). Thus there can be no anticipation.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 10 and 12 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bennett, et al. patent, further in view of Official Notice. These claims, as well as the balance of the pending claims, recite a distributed speech processing system that is implemented in a client server architecture that is a distinct improvement over the system disclosed in the Bennett, et al. patent. In order for the Examiner to establish a prima facie case of obviousness, three criteria must be met as set forth in MPEP § 2143.

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"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be some reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the Applicant's disclosure."

It is respectfully submitted that none of the references disclose or suggest a client server system in which the entire speech recognition system is disposed in the server as recited in the claims at issue. The Bennett, et al. patent teaches away from the invention and discloses a system in which the speech processing is distributed and done by the client device and the server. As is known in the art, such speech processing is highly computational intensive. As such in the distributed speech processing system disclosed in the Bennett et al patent, the client side speech processing places a heavy computational burden on the client, a cell phone or PDA (See Bennett et al, Col 10, lines 50-52) which would likely interfere with other tasks being handled by such clients, such as handling incoming calls in the case of a cell phone. The system recited in the claims at issue eliminates the need to burden the client processor with computation intensive tasks which may interfere with other tasks by simply utilizing the client device to convert the voice data to its equivalent digital form and transmitting it to a remote server. In this way, all computation intensive speech processing is done by the server freeing up the client for other tasks, such as handling incoming calls.

Based on the above, it should be clear that the Bennett et al patent does not disclose a system in which the entire speech processing system is disposed on a single device. Thus, it is respectfully submitted that the Examiner has failed to set forth a *prima facie* case of obviousness for this reason alone. Moreover, not only there is no suggestion to modify the reference as suggested by the Examiner, the Bennett et al reference actually teaches away from the claimed invention. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claim.

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For all the above reasons, the Examiner is respectfully requested to reconsider and withdraw the rejections of the claims.

Respectfully submitted,

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